

DEPARTMENT OF CONSUMER AFFAIRS
LEGISLATIVE DIGEST
1999/2000 Legislative Session

A. CONSUMER PROTECTION

(1) AUTOMOBILES/LEMON LAW

| <u>Bill/Author</u> | <u>Title/Description</u> | <u>Disposition</u> |
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| AB 159 Floyd | <u>Vehicle Dealers: Licensure</u> Requires a written examination for individuals selling used vehicles on a retail or wholesale basis only and expressly excludes automobile dismantlers, motorcycle dealers, and trailer dealers. This statute also excludes from the total advertised price of the vehicle, emission testing fees not exceeding \$50 and the actual fees charged for the certificates pursuant to statute. | Chapter 230 Statutes of 1999 |
| AB 509 Calderon | <u>Insurance: Automotive Lubricant Product Warranties</u> Excludes automobile lubricant warranties from the definition of automobile insurance. | Chapter 238 Statutes of 1999 |
| AB 1290 Davis | <u>Lemon Law Protection: New Motor Vehicle Warranties</u> Enhances lemon law protection by increasing the time period during which an automobile can be declared a "lemon" from 12 months/12,000 miles to 18 months/18,000 miles. | Chapter 448 Statutes of 1999 |
| AB 1471 Havice | <u>Vehicle Air Bags</u> Prohibits the reuse of previously deployed air bags. | Chapter 449 Statutes of 1999 |
| AB 1778 Lowenthal | <u>Consumer Notification: Vehicle Replacement Parts</u> Requires automotive repair dealers to disclose to customers on the estimate and on the final invoice whether the parts used to repair their vehicles are original manufacturer parts or after-market parts. Under the provisions of this statute, a customer still retains the right to refuse to have after-market parts installed on his/her vehicle. Also, allows a consumer to approve increases in the original estimated price via facsimile transmission or electronic mail. | Chapter 336 Statutes of 2000 |
| AB 2517 Shelley | <u>Gag Orders on Dealer Buyback Vehicles</u> Prohibits new motor vehicle dealers from requiring that consumers sign a confidentiality statement (gag order) as a condition of dealer repurchase (buyback) of a vehicle as part of a warranty settlement or arbitration decision. | Chapter 258 Statutes of 2000 |

AB 2729
Wesson

Towing Services

Chapter 641
Statutes of 2000

Prohibits kickbacks between tow truck operators and automotive repair shops.

SB 1718
Sher

Lemon Law Protection: New Motor Vehicle Warranties

Chapter 679
Statutes of 2000

1) Enhances lemon law protection for consumers and small businesses by reducing the number of failed repair attempts required for a vehicle to be considered a lemon from four to two on defects likely to cause death or serious bodily injury, and 2) expands lemon law protections to vehicles with a manufacturer's weight rating of less than 10,000 pounds that are bought or used primarily for business.

(2) BUSINESS PRACTICES

AB 1138
Strom-Martin

Unlawful Practice of Law: Living Trusts

Failed on
Assembly Floor

Would have helped stop consumer harm created by living trust mills. Specifically, the bill would have provided consumers redress for financial losses incurred through investments in fraudulent estate planning services.

AB 1231
Machado

Misleading Advertising: Coupons

Chapter 907
Statutes of 1999

Makes it unlawful for any person to offer a coupon described as "free" or as a "gift", "prize", or other similar term if: (1) the recipient of the coupon has to pay money or buy any good or service to obtain or use the coupon; and (2) the person offering the coupon or anyone honoring the coupon made the majority of his or her sales in the preceding year in connection with one or more "free", "gift", "prize", or other similar coupons.

AB 1375
House

Florists: Business Location Representations

Vetoed

Would have prohibited florists from misrepresenting the geographic location of their businesses.

AB 1816
Wayne

Simulated Checks

Chapter 185
Statutes of 2000

Provides additional consumer protections against deceptive and misleading business practices that are prevalent in the sweepstakes industry and senior scams by definitively prohibiting the use of simulated checks in the State of California.

AB 2263
Correa

Self-Service Storage Facilities

Chapter 156
Statutes of 2000

Allows self-storage facilities to assess a reasonable late payment fee for delinquent rental payments.

AB 2699
Cox

Seller Assisted Marketing Plans

Chapter 413
Statutes of 2000

Provides that a product distributorship that meets specified requirements is not a seller assisted marketing plan.

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| AB 2725 Wesson | <u>Going-Out-Of-Business Sales</u> Would have established time limitations and advertising guidelines for going-out-of-business sales and prohibited merchants from adding additional inventory during a sale. The intent of this bill was to curtail fraudulent advertising practices used to lure consumers into a store that is not actually going out of business. | Vetoed |
| SB 99 Hughes | <u>Home Improvement Contracts: At-Risk Buyers</u> Would have required sellers of home improvement contracts to: 1) assess the ability of a consumer to pay for the contract, and 2) send those buyers who meet the criteria of "at-risk" to financial counseling. | Vetoed |
| SB 185 Peace | <u>Billing Practices: Customer Marital Status</u> Prohibits any business from using words that reference an individual's marital status as part of the mailing address on a billing statement, related correspondence, enclosing envelope, or any solicitation for new business. | Chapter 343 Statutes of 1999 |
| SB 187 Hughes | <u>Home Improvement Contracts</u> Prohibits home improvement contracts from including a security interest in the buyer's residence if the buyer is 65 years of age or older. The statute also increases penalties for violations of existing law relating to home equity fraud. | Chapter 512 Statutes of 1999 |
| SB 1171 Johnson | <u>Hotels: Operator Rights</u> Makes it unfair competition for any person to distribute solicitations at a hotel under specified conditions; allows an innkeeper to evict a guest if the guest refuses or fails to leave the guestroom at the posted checkout time; and requires a minor's parent, guardian or other responsible adult to assume full liability for the minor's charges and actions at a hotel. | Chapter 354 Statutes of 1999 |
| SB 1359 Karnette | <u>Charities: Unfair Business Practices</u> This Attorney General-sponsored bill would have subjected currently exempted nonprofit charities and persons selling intangibles (insurance policies, investments) to the disclosure requirements of the Unfair Business Practices Act. | Vetoed |
| SB 1520 Schiff | <u>Pawn Shops and Coin Dealers</u> Requires the Department of Justice and local law enforcement agencies, in consultation with coin and secondhand dealer (pawnshop) representatives, to develop a statewide standard electronic transmission format for required daily reports of property transactions. | Chapter 994 Statutes of 2000 |
| SB 1606 Speier | <u>Sellers of Travel</u> Would have required the Attorney General to provide information about the Sellers of Travel Law and services provided by the Travel Consumers Restitution Corporation on its Internet website. The bill | Vetoed |

would also have required the Trade and Commerce Agency to promulgate regulations governing how it provides website links and referrals on its toll-free telephone number to other non-governmental (commercial) entities.

SB 1744
Murray

Health Clubs

Vetoed

Would have allowed health clubs to enter into contracts over the \$1,000 limit currently imposed under existing law.

SB 1885
Johnston

Pawnbroker Fees

Chapter 128
Statutes of 2000

Revises pawnbroker loan fees as set in statute.

(3) COURT SYSTEM AND LEGAL SERVICES

AB 239
Kaloogian

Estates and Trusts

Chapter 175
Statutes of 1999

As an omnibus statute, makes various non-controversial and technical changes to the Probate Code. This is one of several probate law bills sponsored by the Estate Planning, Trust and Probate Law Section of the California State Bar.

AB 526
Zettel

Elder and Dependent Abuse

Chapter 383
Statutes of 1999

Creates an exception to the hearsay rule for certain statements by elder and dependent adults who are victims of abuse.

AB 925
Hertzberg

Conservators: Statewide Registry

Chapter 409
Statutes of 1999

Creates a Statewide Registry (Registry) for private conservators and guardians. Requires the Department of Justice to maintain the Registry, and to make all information in the Registry available to the court for any purpose, but to otherwise keep such information confidential. Requires conservators and guardians to register with the Registry and re-register every three years thereafter.

AB 1042
Cedillo

State Bar: Admissions Qualifications (Baby Bar)

Vetoed

Would have eliminated the Baby Bar requirement for unaccredited law school students as a condition of attorney licensure.

AB 1051
Kaloogian

Estate Law: Technical Clean-up

Chapter 263
Statutes of 1999

Clarifies provisions in the Family Code regarding inter-spousal agreements involving community and quasi community property; makes technical amendments in the Probate Code; and removes a redundancy in the requirement of proving actual knowledge by both attorney and client that the decedent's estate is being administered. These technical amendments were recommended by the Estate Planning and Probate Law Section of the State Bar of California.

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| AB 1138 Strom-Martin | <u>Unlawful Practice of Law: Living Trusts</u> Would have helped stop consumer harm created by living trust mills. Specifically, the bill would have provided consumers redress for financial losses incurred through investments in fraudulent estate planning services. | Failed on Assembly Floor |
| AB 1361 Aroner | <u>Small Claims Court Fees</u> Would have authorized each county board of supervisors to fully fund the small claims advisors clinic; increase the small claims filing fee by up to five dollars; and conduct an annual review of small claims court filings to determine whether the fee increase should be continued. | Vetoed |
| AB 1761 Brewer | <u>Paralegals</u> Creates title protection for paralegals by establishing the qualifications for practice and making it unlawful for any person not meeting those qualifications to call him/herself a paralegal. | Chapter 439 Statutes of 2000 |
| AB 1858 Romero | <u>Immigration Consultants</u> Requires immigration consultants to disclose in all advertising that they are not attorneys, and increases the civil penalties for violation of immigration consultant law from \$10,000 to \$100,000. | Chapter 674 Statutes of 2000 |
| AB 2687 Margett | <u>Notaries Public: Immigration Consultant Services</u> Makes technical and clarifying changes regarding the regulation of notaries public and immigration consultants. | Chapter 194 Statutes of 2000 |
| AB 2810 Pacheco, Robert | <u>Legal Document and Unlawful Detainer Assistants</u> This urgency statute clarifies that, although legal document assistants and unlawful detainer assistants must register in every county in which they do business, only one statewide bond of \$25,000 must be posted. Urgency Statute Effective 9/11/00 | Chapter 386 Statutes of 2000 |
| SB 72 Murray | <u>Lawyers: Financial Services to the Elderly</u> Permits attorneys, while acting as fiduciaries, to sell financial products to a client who is an elderly or dependent adult with whom the lawyer has, or has had within the preceding three years, an attorney-client relationship, if specific conditions are met. | Chapter 454 Statutes of 1999 |
| SB 143 Burton | <u>State Bar: Attorneys Discipline System</u> Makes various changes to provisions regarding an attorney's rights during disciplinary investigations and proceedings. In addition, this statute changes the appointment authority of the State Bar Court and changes the composition of the Review Department of the State Bar Court. | Chapter 221 Statutes of 1999 |
| SB 144 Schiff | <u>State Bar</u> 1) Establishes 2000 State Bar membership dues of \$395; 2) makes the State Bar's Conference of Delegates and other State Bar sections self-funded; 3) reduces the requirement of continuing education; 4) | Chapter 342 Statutes of 1999 |

requires the State Bar to contract with an independent accounting firm to conduct a financial audit of Bar expenses each fiscal year; 5) requires the State Bar to contract with the Bureau of State Audits to conduct a biannual performance audit of the State Bar's operations; and 6) places a \$50,000 limit on specified contracts for goods and services.

SB 1367
Schiff

State Bar Funding

Chapter 118
Statutes of 2000

Extends funding for the State Bar until January 1, 2002.

SB 1420
Burton

State Bar Court

Chapter 246
Statutes of 2000

Makes technical changes relating to the appointment of State Bar Court judges and the State Bar Court's disciplinary appeals process, and requires the State Bar to review its workload standards for effectiveness and efficiency and report its findings to the Legislature.

SB 1927
Haynes

Legal Document Assistants

Vetoed

Would have allowed legal document assistants who limit their practice to Riverside County and whose practice consists solely of assisting in small claims matters to only post a \$5,000 bond, rather than the \$25,000 bond required elsewhere in the State.

(4) CREDIT AND FINANCIAL SERVICES

AB 758
Thomson

Consumer Credit Reporting Agencies

Chapter 836
Statutes of 1999

Conforms the California Consumer Credit Reporting Agencies Act to the federal Fair Credit Reporting Act by only allowing prevailing plaintiffs (instead of prevailing parties) to recover court costs and reasonable attorney's fees with regard to a consumer who files a claim against a consumer credit reporting agency; discontinues the exemption for out-of-state creditors from the provisions of the California Consumer Credit Reporting Agencies Act; and allows a debt collector to recover attorney's fees if an action taken against a debt collector was not brought in good faith.

AB 969
Papan

Debt Collectors

Chapter 319
Statutes of 1999

1) Subjects debt collectors to federal law relating to fair debt collection practices; 2) allows a good faith defense for collectors who believed their actions were in compliance with the law; 3) excludes an employee from the initial disclosure requirements while that person is acting as a debt collector for another person, if both persons are related by common ownership or affiliated by corporate control; and 4) renames the Robbins-Rosenthal Fair Debt Collection Act as the Rosenthal Fair Debt Collection Act.

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| AB 1454 Assembly Insurance | <u>Mortgage Loans: Hazard Insurance</u> Beginning July 1, 2000, expands the restriction against excess coverage requirements to include a requirement that the lender provide written notice to the borrower before the execution of any note or security document containing specified disclosures. | Chapter 412 Statutes of 1999 |
| AB 1816 Wayne | <u>Simulated Checks</u> Provides additional consumer protections against deceptive and misleading business practices that are prevalent in the sweepstakes industry and senior scams by definitively prohibiting the use of simulated checks in the State of California. | Chapter 185 Statutes of 2000 |
| AB 1963 Hertzberg | <u>Credit Cards: Minimum Payment Disclosure</u> Would have required credit card issuers to provide information on each billing statement, disclosing the number of months and total amount it would take to pay off an entire balance if only monthly minimum payments are made. | Vetoed |
| AB 1973 Wesson | <u>Payday Loans</u> Would have increased the maximum transaction amount for payday loans, capped transaction fees, and required payday loan businesses to provide consumer credit counseling information to customers. This bill would have also required the Department of Justice to maintain a toll-free consumer number for complaints against check cashing agencies, and to compile and submit an annual report to the Legislature on the activities of check cashers. | Failed in Senate Judiciary Committee |
| AB 2869 Machado | <u>Credit Cards: Privacy Opt-Out Disclosure</u> Requires credit card issuers to include in written consumer notices <u>both</u> a preprinted form and a toll-free number to be used by customers to prohibit disclosure of their personal information for marketing purposes. This statute also modifies the definition of "marketing information" to include information that is provided to a subsidiary or affiliate organization of the company. | Chapter 977 Statutes of 2000 |
| SB 219 Peace | <u>Debt Collection</u> Changes the "assignment for the benefit of creditors" procedure by increasing the amount of unsecured claims from \$2,000 to \$4,300 with regard to wages, salaries, or commissions, including vacation, severance, sick leave pay, and sales commissions as specified. Also establishes an exemption for alimony, maintenance or support of the debtor's spouse and children, as well as extends the period for perfection of purchase money security interests from 10 to 20 days. | Chapter 202 Statutes of 1999 |
| SB 313 Figueroa | <u>Debit Card Liability</u> Provides that consumers shall only be held liable for up to \$50 for unauthorized use of their debit card under specified conditions. | Chapter 244 Statutes of 1999 |

**SB 317
Leslie**

Financial Institutions: Year 2000 Problem

**Chapter 513
Statutes of 1999**

Enacts the California Consumer's Year 2000 (Y2K) Financial Protection Act (Act). The Act establishes standards for the resolution of errors caused by any Y2K problem. The statute prohibits financial institutions from imposing any fee, charge, or penalty on consumers as a result of a Y2K problem, and to reimburse problem-related charges imposed by third parties.

**SB 545
Dunn**

Pre-Printed Checks: Consumer Notice

**Chapter 171
Statutes of 1999**

Effective July 1, 2000, this statute requires any credit card issuer that extends credit to a cardholder through the use of a preprinted check to provide specific information attached directly to the check that explains the terms and conditions of use.

**SB 930
Hughes**

Credit Card Fraud

**Chapter 423
Statutes of 1999**

Requires a credit card issuer who solicits a consumer and receives a completed application that contains an address that is different from the address on the original solicitation to verify the change of address by contacting the consumer. This statute also prohibits specified entities that accept credit cards from printing more than the last five digits of the credit card account number or the expiration date on receipts as specified.

**SB 1501
Perata**

Payday Loans

**Failed in
Assembly
Banking and
Finance
Committee**

Would have regulated payday loan businesses through the Department of Financial Institutions (DFI), and established a \$25,000 bonding requirement for them. The DFI would have been required to maintain a toll-free telephone number for consumer complaints. The bill also would have capped the amount of the loan and associated fees. The bill also would have required specified consumer disclosure and notices.

**SB 1607
Figueroa**

Credit Scores

**Chapter 978
Statutes of 2000**

Requires a consumer credit reporting agency to disclose credit scoring criteria, and the accompanying reason codes, to consumers applying for home loans.

**SB 2166
Sher**

Credit Reports

**Chapter 1012
Statutes of 2000**

Conforms state law to federal law by prohibiting a consumer credit reporting agency from including medical information provided for insurance purposes in a consumer credit report.

(5) HEALTH & SAFETY

**AB 751
Gallegos**

Dangerous Drugs and Devices

**Chapter 350
Statutes of 2000**

Makes it a misdemeanor for any person to illegally furnish any material represented as, or presented in lieu of, any dangerous drug or dangerous device. Also, extends local health officers' authority to take action against unlicensed persons dispensing or furnishing prescription drugs. **Urgency Statute Effective 09/08/00**

AB 2611
Gallegos

Emergency Room/On-call Coverage

Chapter 828
Statutes of 2000

Funds a study of hospital emergency room on-call coverage to address concerns relating to the availability of specialists to consult with physicians who treat patients in emergency room settings.

SB 370
Burton

Abortion

Chapter 692
Statutes of 2000

Repeals three obsolete Penal Code sections relating to abortion and clarifies that any person who performs or assists in performing an abortion without a valid license to practice medicine is subject to criminal penalties under the Medical Practice Act.

SB 765
Schiff

Biological Specimen Storage

Chapter 748
Statutes of 1999

Requires licensed health care professionals who collect human biological specimens for clinical testing to secure those specimens in a locked container when the specimens are placed in a public location; and requires clinical laboratory employees who discover that a specimen was not properly secured, to notify the licensee and the appropriate licensing entity.

SB 911
Figueroa

Emergency Care: Automated External Defibrillator: Immunity From Liability

Chapter 163
Statutes of 1999

Provides immunity from civil liability for trained persons who use an automated external defibrillator in rendering emergency care or treatment at the scene of an emergency. The immunity does not apply in cases of personal injury or wrongful death resulting from gross negligence or willful misconduct.

SB 989
Sher

Underground Pollution: MTBE

Chapter 812
Statutes of 1999

Requires the Contractors State License Board to review its examination requirements for contractors who install and remove underground storage tanks; requires development of a timetable for eliminating the use of methyl tertiary butyl ether (MTBE) in motor vehicle fuel at the earliest possible date; increases the monitoring and containment requirements for certain tanks; and increases financial assistance for upgrading underground tanks.

SB 1630
Hayden

Reproductive Technology

Vetoed

Would have provided for the regulation of physicians and health facilities that perform assisted reproductive technology.

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| <p>(6) HEALTH CARE/HEALTH MAINTENANCE ORGANIZATIONS/ MANAGED CARE</p> |
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AB 12
Davis

Health Coverage: Second Opinions

Chapter 531
Statutes of 1999

Requires health care service plans and certain disability insurers to provide or authorize a second opinion by an appropriately qualified health care professional if requested by the patient.

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| AB 39 Hertzberg | <u>Contraceptive Drug Coverage</u> Requires every group health care service plan contract and every individual health care service plan to provide coverage for prescription contraceptives. The statute exempts certain religious employers from this requirement. | Chapter 532 Statutes of 1999 |
| AB 55 Migden | <u>Independent Medical Review of Medical Decisions</u> Requires every health care service plan to provide an enrollee with the opportunity to seek an independent medical review whenever health care services have been denied, modified, or delayed by the plan or by one of its contracting providers if the decision was based on a finding that the proposed services are not medically necessary. The statute establishes an independent medical review system whereby requests for reviews shall be conducted by an independent medical review organization, as specified. | Chapter 533 Statutes of 1999 |
| AB 58 Davis | <u>HMOs: Medical Directors: California Licensure</u> Would have required California licensure for physicians and other healthcare providers who make decisions regarding the medical necessity or appropriateness of health care services for California residents and would have revised the membership of the Medical Board and Dental Board. | Vetoed |
| AB 78 Gallegos | <u>Department of Managed Health Care</u> Establishes the Department of Managed Health Care in the Business, Transportation, and Housing Agency. Transfers responsibility for the regulation of health care service plans from the Department of Corporations to the Department of Managed Care. Also establishes an Office of Patient Advocate to provide educational material to plan enrollees and to render advice and assistance to enrollees. | Chapter 525 Statutes of 1999 |
| AB 88 Thomson | <u>Health Coverage: Mental Illness</u> Requires health care service plan contracts and disability insurance policies to provide coverage for the diagnosis and medically necessary treatment of certain severe mental illnesses and of serious emotional disturbances of a child. The statute does not apply to the Medi-Cal program. | Chapter 534 Statutes of 1999 |
| AB 285 Corbett | <u>Telephone Medical Advice Services</u> Requires in-state and out-of-state business entities engaged in the business of providing telephone medical advice services to a patient in California to register with the newly created Telephone Medical Advice Services Bureau within the Department of Consumer Affairs. | Chapter 535 Statutes of 1999 |
| AB 892 Alquist | <u>Health Coverage: Hospice Care</u> Defines basic health care services to include hospice care and requires health care service plans to provide hospice care that is equivalent to that provided by the federal Medicare program. | Chapter 528 Statutes of 1999 |

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| AB 2797 Papan | <p><u>Insurance Information Privacy</u></p> <p>Clarifies that insurers cannot share a customer's personal health information, medical history, or genetic history with financial institutions or other third parties for the purpose of a loan or extending any other form of credit.</p> | Chapter 278 Statutes of 2000 |
| AB 2903 Assembly Health | <p><u>Telephone Medical Advice Services</u></p> <p>Revises the registration requirements for telephone medical advice providers established by AB 285 by requiring registration only for those entities employing or contracting with five or more health care professionals to provide telephone medical advice.</p> | Chapter 857 Statutes of 2000 |
| SB 5 Rainey | <p><u>Health Coverage: Breast Cancer Services</u></p> <p>Requires health care service plan contracts, except specialized health care plan contracts and certain disability insurance policies, to provide coverage for breast cancer screening, diagnosis, and treatment. The statute further prohibits the denial of enrollment or coverage solely due to breast cancer.</p> | Chapter 537 Statutes of 1999 |
| SB 19 Figueroa | <p><u>Medical Information Confidentiality</u></p> <p>Enhances patient protection regarding the disclosure of medical information by providers of health care, as specified. The statute prohibits a health care service plan from conditioning health care services upon an enrollee waiving medical information confidentiality protections. The statute also prohibits any health care service plan or its contractors from using medical information for any commercial purposes.</p> | Chapter 526 Statutes of 1999 |
| SB 21 Figueroa | <p><u>Health Care Service Plans: Patient Right to Sue</u></p> <p>Provides health care service plan enrollees with the right to sue for harm caused by the failure to exercise ordinary care in the arranging for the provision of, or denial of, health care services in specified circumstances.</p> | Chapter 536 Statutes of 1999 |
| SB 41 Speier | <p><u>Health Coverage: Contraceptives</u></p> <p>Requires certain individual and group policies of disability insurance to provide coverage for a variety of approved prescription contraceptive methods. Provides an exemption for religious employers, as specified.</p> | Chapter 538 Statutes of 1999 |
| SB 59 Perata | <p><u>Health Plans: Procedures for Authorizing/Denying Treatment</u></p> <p>Requires health plans and health insurers to adopt and follow specified policies and procedures when determining whether to authorize or deny treatment, and requires adoption of a standard Medi-Cal notice form.</p> | Chapter 539 Statutes of 1999 |
| SB 64 Solis | <p><u>Health Coverage: Diabetes</u></p> <p>Requires health insurers to provide coverage for specified equipment, supplies, and prescription drugs for the management and treatment of</p> | Chapter 540 Statutes of 1999 |

diabetes when medically necessary.

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| SB 148 Alpert | <u>Health Coverage: Phenylketonuria (PKU)</u> Requires health insurers to provide coverage for the testing and treatment of phenylketonuria (PKU). | Chapter 541 Statutes of 1999 |
| SB 173 Alpert | <u>Discount Health Care Programs</u> Would have exempted discount health care programs from regulation under the Knox-Keene Act by providing for regulation under a different regulatory scheme. | Failed in Assembly Appropriations Committee |
| SB 189 Schiff | <u>Grievances: Independent Medical Review</u> Requires health plans to complete internal appeals within 30 days generally, or within 72 hours in cases where the enrollee's health is at risk; authorizes enrollees to seek independent review from an outside organization, selected by the Department of Corporations, for all denials; requires the independent review entity to complete its decision within 30 days; and directs the plans to promptly implement the review organization's recommendations. | Chapter 542 Statutes of 1999 |
| SB 205 Perata | <u>Health Coverage: Cancer Screening Tests</u> Requires health care service plans and disability insurance policies, with specified exceptions, to provide coverage for all generally medically accepted cancer screening tests. | Chapter 543 Statutes of 1999 |
| SB 260 Speier | <u>Risk-Bearing Organizations: Financial Solvency</u> Establishes an eight-member Financial Solvency Standards Board within the Department of Managed Health Care to take specified actions with regard to financial solvency and standards affecting the delivery of health care services. | Chapter 529 Statutes of 1999 |
| SB 349 Figueroa | <u>Health Coverage: Psychiatric Emergency Services and Care</u> Redefines emergency services and care to include screening, examination, and evaluation to determine if a psychiatric emergency medical condition exists, and requires health plans to pay for these services. | Chapter 544 Statutes of 1999 |

(7) INSURANCE

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| AB 62 Papan | <u>Rental Car Insurance: Agent Licenses</u> Establishes licensure by the Department of Insurance for rental car insurance agents. | Chapter 618 Statutes of 1999 |
| AB 393 Scott | <u>Insurance: Production Agencies</u> Clarifies that insurance agent licensing laws prevail in any conflict with other sections of the Insurance Code. | Chapter 321 Statutes of 2000 |

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| AB 481 Scott | <u>Insurance Commissioner Reform: Use of Settlement Funds</u> | Vetoed |
| | Would have required the Legislature's and the Governor's approval, through the Budget Act, for any expenditure of the Department of Insurance's settlement funds on education and/or research. | |
| AB 509 Calderon | <u>Insurance: Automotive Lubricant Product Warranties</u> | Chapter 238 Statutes of 1999 |
| | Excludes auto lubricant warranties from the definition of automobile insurance. | |
| AB 802 Dutra | <u>Insurance Policies: Disclosure of Finance Charges</u> | Chapter 388 Statutes of 1999 |
| | Requires that every insurance policy and insurance premium billing statement contain disclosures of periodic finance charges and the annual percentage rate associated with those charges, as specified. | |
| AB 1309 Scott | <u>Insurance</u> | Chapter 721 Statutes of 1999 |
| | This statute is a clean-up measure to SB 1237 (Escutia, Chapter 720, Statutes of 1999) which created: 1) a qualified right for a third party to commence an action against an insurer for unfair claims settlement practices, and 2) arbitration procedures for resolving claims of \$50,000 or less. AB 1309: 1) limits actions by third parties to actions by individuals who seek recovery for bodily injury, wrongful death, or property damage resulting from an incident involving a motor vehicle; 2) clarifies that an insurer can gain protection from bad faith liability by requesting, as well as by agreeing to, arbitration (subject to certain conditions); and 3) allows self-insured public employers to discharge workers' compensation obligations by purchasing a special excess workers' compensation policy. | |
| AB 1848 Maddox | <u>Automobile Insurance: Vehicle Inspections</u> | Chapter 210 Statutes of 2000 |
| | Explicitly permits insurers to inspect a vehicle for which collision or comprehensive insurance is being issued. | |
| AB 1979 Wesson | <u>Insurance Claims</u> | Chapter 470 Statutes of 2000 |
| | Exempts reinsurance contracts from the insurance claim advisory requirement regarding the consequences of making a false claim. | |
| AB 2069 Corbett | <u>Attorneys: Defense of Insureds</u> | Chapter 472 Statutes of 2000 |
| | Requires the State Bar of California to conduct a study concerning the legal and professional responsibility issues that may arise when an attorney is hired by an insurer and that attorney subsequently represents a client in an action against the insurer. | |
| AB 2251 Cox | <u>Insurance Sales: Internet Disclosure</u> | Chapter 211 Statutes of 2000 |
| | Requires insurance companies, agents, and brokers who advertise on the Internet to disclose their business name, state of residence, and license number or certificate of authority number. | |
| AB 2594 Cox | <u>Insurance Fraud</u> | Chapter 843 Statutes of 2000 |
| | Substantially increases the penalties for insurance fraud perpetrated by organized crime rings that file fraudulent personal injury claims. | |

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| AB 2639 Calderon | <u>Insurance: Brokers Fees</u> Allows broker-agents who sell personal lines of insurance to charge broker fees for personal lines insurance transactions. | Chapter 1074 Statutes of 2000 |
| AB 2797 Papan | <u>Insurance Information Privacy</u> Clarifies that insurers cannot share a customer's personal health information, medical history, or genetic history with financial institutions or other third parties for the purpose of a loan or extending any other form of credit. | Chapter 278 Statutes of 2000 |
| AB 2904 Assembly Insurance | <u>Low-Cost Automobile Insurance</u> Allows driving experience outside the U.S. and Canada to count toward the three years of driving experience needed to participate in the low-cost automobile insurance pilot programs established by the Legislature in Los Angeles and San Francisco Counties. Urgency Statute Effective 9/30/00 | Chapter 1033 Statutes of 2000 |
| SB 171 Escutia | <u>Low-Cost Automobile Insurance</u> Establishes a pilot program to offer low-cost automobile insurance policies in Los Angeles. | Chapter 794 Statutes of 1999 |
| SB 527 Speier | <u>Low-Cost Automobile Insurance</u> Establishes a pilot program to offer low-cost automobile insurance policies in San Francisco. | Chapter 807 Statutes of 1999 |
| SB 622 Speier | <u>Earthquake Insurance</u> Would have codified current case law regarding the doctrines of inception of loss and equitable tolling, effectively extending the time allowed for earthquake victims to file insurance claims upon subsequent discovery of damages. | Held in Assembly Committee on Insurance |
| SB 953 Speier | <u>Insurance Commissioner Reform: Campaign Contributions</u> Would have limited campaign or other monetary contributions to the Insurance Commissioner or a candidate for the office of the Insurance Commissioner. | Failed on Assembly Floor |
| SB 1077 Burton | <u>Insurance: Agents and Brokers</u> Makes substantive changes to provisions of the Insurance Code relating to an insurer's authority to terminate or amend an agency or brokerage contract and responsibility to provide compensation for or continue coverage under a policy subject to contract termination. | Chapter 753 Statutes of 1999 |
| SB 1237 Escutia | <u>Insurance Claims: Dispute Resolution</u> Creates: 1) a qualified right for a third party to commence an action against an insurer for unfair claims settlement practices; and 2) arbitration procedures for resolving claims of \$50,000 or less. | Chapter 720 Statutes of 1999 |

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| SB 1500 Burton | <u>Insurers: Unfair Practices</u> Requires the Insurance Commissioner, when issuing an order to show cause, to specify the reason(s) an act or practice is believed to be unfair or deceptive. | Chapter 280 Statutes of 2000 |
| SB 1524 Figueroa | <u>Insurance Commissioner Reform: Restriction on Use of Fines and Penalties</u> Requires any Department of Insurance outreach activities paid for by insurance settlement funds to be germane to their source of funding. | Chapter 1089 Statutes of 2000 |
| SB 1731 Lewis | <u>Automobile Insurance</u> Clarifies when and how automobile liability insurers may be exempt from participation in the California Automobile Assigned Risk Plan. | Chapter 175 Statutes of 2000 |
| SB 1805 Escutia | <u>Insurance Commissioner Reform: Market Conduct Examinations</u> Requires the Department of Insurance to make public all adopted market conduct examinations pertaining to unfair or deceptive insurance practices. | Chapter 997 Statutes of 2000 |
| SB 1899 Burton | <u>Earthquake Insurance: Extension for Filing Claims</u> Provides victims of the 1994 Northridge earthquake an additional year to file claims for their quake-related damages. | Chapter 1090 Statutes of 2000 |
| SB 1988 Speier | <u>Insurance Fraud</u> Among other things, requires the Bureau of Automotive Repair to establish a pilot program to inspect vehicles for fraudulent repairs after having been involved in a collision and to prepare a report to the Legislature. Also, requires automobile insurers to provide policyholders with a consumer bill of rights. | Chapter 867 Statutes of 2000 |
| SB 2107 Speier | <u>Insurance Commissioner Reform: Use of Settlement Funds</u> Requires that Department of Insurance settlements must be approved by the Commissioner, be transmitted to the State Treasurer, be only used to pay claims to victims of insurance company claims payment violations, and not be used to produce materials featuring the Commissioner. | Chapter 1091 Statutes of 2000 |

(8) INTERNET/ e-COMMERCE/ e-GOVERNMENT

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| AB 333 Papan | <u>Internet Escrow Transactions</u> Defines Internet escrow transactions and provides guidelines for their use. | Chapter 437 Statutes of 2000 |
| AB 991 Papan | <u>Internet Access: Line Sharing</u> Enacts the California High Speed Internet Access Act of 1999. Specifically, this statute requires the Public Utilities Commission to monitor and participate in federal proceedings addressing whether to require local telephone companies to permit line sharing by | Chapter 714 Statutes of 1999 |

companies offering high-speed data services.

**AB 1234
Shelley**

State Agency Meetings: Internet Notice

Effective July 1, 2001, requires all state agency meeting notices to be posted on the Internet in addition to the existing written notice procedure. The written meetings notice must include the address of the Internet site where the meeting notices are available. Additionally, the statute expands the filing period for an action taken for the purpose of obtaining a judicial determination on actions taken by a state body from 30 to 90 days.

**Chapter 393
Statutes of 1999**

**AB 1759
Papan**

State Agency Reports: Internet Posting

Would have required every state agency to post on its website a list of all its reports and studies.

Vetoed

**AB 2251
Cox**

Insurance Sales: Internet Disclosure

Requires insurance companies, agents, and brokers who advertise on the Internet to disclose their business name, state of residence, and license number or certificate of authority number.

**Chapter 211
Statutes of 2000**

**AB 2799
Shelley**

Public Records: Electronic Format

Requires governmental agencies to provide public records held in an electronic format to the public in an electronic format. The bill also requires public agencies to justify, in writing, the withholding of a public record.

**Chapter 982
Statutes of 2000**

**AB 2833
Alquist**

Licensing Information: Internet Disclosure

Would have required the Contractors State License Board to publish on its Internet website a listing of the names and business addresses of its licensed contractors and information regarding any disciplinary action, pending investigation, or dispute mediation against a licensee. The bill also would have required a new mediation process.

**Withdrawn by
Author**

**SB 1016
Bowen**

Employee Computer Records

Would have prohibited an employer from secretly monitoring the electronic mail or other personal computer records of an employee. Would have required an employer who intends to inspect, review, or retain any personal electronic mail or any other personal computer records of an employee to prepare and distribute a workplace privacy and electronic monitoring policy to all employees.

Vetoed

**SB 1065
Bowen**

Public Records: Electronic Format

Would have clarified that the direct costs of copying public records include the costs associated with duplicating electronic records. Records held by the Department of Motor Vehicles, to which access is otherwise restricted, were exempted from these provisions. Would have amended the Public Records Act to require state and local agencies to make public records available in an electronic format upon request.

Vetoed

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| SB 1319 Burton | <u>Cyberpiracy</u> Prohibits an individual from using an internet domain name that is identical or confusingly similar to the name of another person, living or deceased, if the name is used with bad faith intent. | Chapter 218 Statutes of 2000 |
| SB 1599 Bowen | <u>Interactive Television</u> Would have regulated the emerging technology of interactive television services (such as Web-TV) by prohibiting video providers from using electronic devices to monitor their customers' activities without written consent. | Withdrawn by Author |
| SB 1712 Polanco | <u>Universal Telephone Service</u> Requires the Public Utilities Commission to examine the feasibility of redefining and expanding universal telephone service to include telecommunications technologies such as voice, video, and data service. | Chapter 943 Statutes of 2000 |
| SB 1822 Bowen | <u>Employee Computer Records</u> Would have prohibited all employers, including state agencies, from secretly monitoring their employees' electronic mail (e-mail) or other computer records without prior notification. Would have required employers to compile and distribute workplace privacy and electronic monitoring policies and practices to all employees. | Vetoed |
| SB 1828 Speier | <u>Internet Prescriptions</u> Prohibits the furnishing of drugs over the Internet without a prior medical examination, medical indication, or prescription. | Chapter 681 Statutes of 2000 |
| SB 1889 Figueroa | <u>Internet: Licensee Information</u> Allows licensees of specified Department of Consumer Affairs boards/bureaus to provide a post office box number or other alternate address, instead of his or her home address, as the address of record for purposes of Internet disclosure to the public. Also specifies that boards/bureaus preserve the authority to require a physical business or home address when a licensee provides a post office box or alternate address as the address of record. | Chapter 927 Statutes of 2000 |
| (9) MISCELLANEOUS CONSUMER ISSUES | | |
| AB 15 Gallegos | <u>School Buses: Seatbelts</u> Requires all California school buses manufactured after January 1, 2002 to be equipped with seatbelts. | Chapter 648 Statutes of 1999 |
| AB 850 Torlakson | <u>Amusement Rides: Safety</u> Establishes state regulation through the Division of Occupational and Safety within the Department of Industrial Relations of permanent amusement rides at amusement parks (roller coasters, water slides, etc.), and excludes slides, playground equipment, certain parks, and entities from the program. | Chapter 585 Statutes of 1999 |

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| AB 951 Wiggins | <u>Bay Pilots: Rates</u> Increases the rate that bay pilots may charge for navigational services provided to vessels entering or leaving specified bays, including the bay of San Francisco. The increase was negotiated and agreed to by the pilots and the shipping industry and recommended by the Board of Pilot Commissioners. | Chapter 261 Statutes of 1999 |
| AB 1625 Cardoza | <u>Recovery of Unclaimed Property</u> Would have allowed only licensed private investigators, attorneys, public accountants, and licensed persons owing a fiduciary duty to a property owner to recover unclaimed property that has reverted to the State. | Vetoed |
| AB 1816 Wayne | <u>Simulated Checks</u> Provides additional consumer protections against deceptive and misleading business practices that are prevalent in the sweepstakes industry and senior scams by definitively prohibiting the use of simulated checks in the State of California. | Chapter 185 Statutes of 2000 |
| AB 1823 Dutra | <u>Common Interest Developments: Disciplinary Actions</u> Requires common interest development associations to notify a homeowner when the board of directors meets to consider disciplinary action for the homeowner's alleged violation of the governing documents. Also, requires a disciplined homeowner to provide a prospective purchaser with a notice of any unpaid monetary fines or penalties and of any unresolved violations. | Chapter 257 Statutes of 2000 |
| SB 209 Burton | <u>Deceased Personalities Identity</u> Requires consent from the heirs of a deceased personality prior to the use of a deceased personality's name, voice, signature, photograph, or likeness in a product, article of merchandise, goods, or service. Protects a deceased personality's name, voice, signature, photograph, or likeness for commercial purposes for 70 years, instead of 50 years, after death. | Chapter 998 Statutes of 1999 |
| SB 287 Baca | <u>Peace Officer Training: Foreign Nationals</u> Requires peace officers to receive training on the 1963 Vienna Convention on Consular Relations Treaty. Additionally, requires peace officers to advise foreign nationals of their right to communicate with an official from the consulate of their country, and to notify the arrested person's consulate officers of the arrest. | Chapter 268 Statutes of 1999 |
| SB 1109 Burton | <u>Bay Pilots: Immunity From Liability</u> Establishes a liability indemnification process for the state-licensed maritime pilots who serve the Bays of San Francisco, San Pablo, and Suisun. | Chapter 786 Statutes of 2000 |
| SB 1359 Karnette | <u>Charities: Unfair Business Practices</u> This Attorney General-sponsored bill would have subjected currently | Vetoed |

exempted nonprofit charities and persons selling intangibles (insurance policies, investments) to the disclosure requirements of the Unfair Business Practices Act.

SB 1384
Senate
Business &
Professions

CD/DVD Labeling

Modifies the recently enacted requirement that manufacturers place identifying marks on optical discs (CDs & DVDs). Specifically, this statute provides manufacturers with an additional option, which utilizes newly available technology, to protect optical discs against piracy and bootlegging.

Chapter 120
Statutes of 2000

SB 1745
Burton

Landlord/Tenant: Notice of Rent Increase

Requires landlords, until January 1, 2006, to provide tenants with additional notice of annual rent increases greater than ten percent.

Chapter 680
Statutes of 2000

SB 2143
Bowen

Landlords: Notice of Pest Control

Requires landlords to provide new tenants with a notice of scheduled pest control services.

Chapter 234
Statutes of 2000

SB 2144
Perata

Bay Pilots

Exempts incidents involving pilots aboard vessels of less than 300 gross tons from review and disciplinary action.

Chapter 394
Statutes of 2000

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| (10) NEW/PROPOSED REGULATORY PROGRAMS |
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AB 78
Gallegos

Department of Managed Health Care

Establishes the Department of Managed Health Care in the Business, Transportation, and Housing Agency. Transfers responsibility for the regulation of health care service plans from the Department of Corporations to the Department of Managed Health Care. Also establishes an Office of Patient Advocate to provide educational material to plan enrollees and to render advice and assistance to enrollees.

Chapter 525
Statutes of 1999

AB 285
Corbett

Telephone Medical Advice Services

Establishes state regulation of in-state and out-of-state business entities engaged in the business of providing telephone medical advice services to a patient in California by requiring them to register with the newly created Telephone Medical Advice Services Bureau within the Department of Consumer Affairs.

Chapter 535
Statutes of 1999

AB 931
Calderon

Electricians

Requires the Department of Industrial Relations to regulate electricians by January 1, 2001. The statute does not apply to persons working with electrical connections of less than 100 volt-amperes.

Chapter 781
Statutes of 1999

AB 1096
Romero

Interior Designers

Would have established state regulation of interior designers through

Vetoed

a newly created nine-member Board of Interior Design within the Department of Consumer Affairs. Also, would have repealed the existing state-sanctioned private certification program for interior designers, and established a title act to limit the use of the term “registered interior designer.”

**AB 1761
Brewer**

Paralegals

Creates title protection for paralegals by establishing the qualifications for practice and making it unlawful for any person not meeting those qualifications to call him/herself a paralegal.

**Chapter 439
Statutes of 2000**

**AB 1893
Dutra**

Common Interest Developments

Would have established state regulation of managers of common interest developments through a new program within the Department of Consumer Affairs. The bill was subsequently amended to remove these provisions and instead related to mortgages and deeds of trust.

**Withdrawn by
the Author**

**AB 2355
Granlund**

Orthotists and Prosthetists

Would have established state regulation of orthotists and prosthetists through a newly created five-member Prosthetic and Orthotic Board within the Department of Consumer Affairs.

**Failed in Senate
Business and
Professions
Committee**

**SB 173
Alpert**

Discount Health Care Programs

Would have exempted discount health care programs from regulation under the Knox-Keene Act by providing for regulation under a different regulatory scheme.

**Failed in
Assembly
Appropriations
Committee**

**SB 1046
Murray**

Occupational Therapists: New Licensing Program

Creates a new Board of Occupational Therapy within the Department of Consumer Affairs to license and regulate occupational therapists and occupational therapy assistants in California.

**Chapter 697
Statutes of 2000**

**SB 1216
Hughes**

Home Inspectors

Would have required that any person representing him/herself as a home inspector pass a basic competency examination.

Vetoed

**SB 1287
Murray**

Occupational Therapists

Would have, effective July 1, 2000, provided for the licensure of occupational therapists and certification of occupational therapy assistants by the California Board of Occupational Therapy within the Department of Consumer Affairs.

Vetoed

**SB 1501
Perata**

Payday Loans

Would have regulated payday loan businesses through the Department of Financial Institutions (DFI), and established a \$25,000 bonding requirement for them. The DFI would have been required to maintain a toll-free telephone number for consumer complaints, and to develop notices and information that these businesses would be required to provide to consumers. The bill also would have capped the amount of the loan and associated fees.

**Failed in
Assembly
Banking and
Finance
Committee**

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| SB 1630 Hayden | <u>Reproductive Technology</u> Would have provided for the regulation of physicians and health facilities that perform assisted reproductive technology. | Vetoed |
| SB 1881 O'Connell | <u>Professional Fiduciaries</u> Would have required the Department of Consumer Affairs to conduct a study of professional fiduciaries and report its findings to the Governor and Legislature by December 1, 2002, and would have appropriated \$100,000 from the General Fund to conduct the study. | Vetoed |
| (11) PRIVACY/IDENTITY THEFT | | |
| AB 416 Machado | <u>Medical Information Disclosure</u> Prohibits the release of patient outpatient psychotherapy information by a health care provider unless the party requesting the information submits a formal request, as specified. | Chapter 527 Statutes of 1999 |
| AB 512 Maddox | <u>Department of Motor Vehicles Records: Access</u> Would have authorized private investigators and process servers to access confidential residential records held by the Department of Motor Vehicles. The information would have been obtained only through a registered DMV vendor. | Vetoed |
| AB 1707 Kuehl | <u>Financial Privacy</u> Would have prohibited the disclosure of personal financial information. Specifically, banks and other financial institutions would have been prohibited from disclosing information to third parties without prior written consent (opt-in). | Failed in Assembly Banking and Finance Committee |
| AB 1759 Papan | <u>State Agency Reports: Internet Posting</u> Please see AB 1759 on page 16 for summary. | Vetoed |
| AB 1862 Torlakson | <u>Identity Theft Database</u> Requires the Department of Justice to establish an identity theft database for use by law enforcement and victims. | Chapter 631 Statutes of 2000 |
| AB 1897 Davis | <u>Identity Theft Remedies</u> Allows an identity theft victim to: 1) initiate a law enforcement investigation to help restore his/her identity, and 2) petition for an expedited court finding of factual innocence. | Chapter 956 Statutes of 2000 |
| AB 1949 Hertzberg | <u>Identity Theft: Regional Centers Pilot Project</u> Would have appropriated \$3 million from the General Fund to the Department of Justice to administer a three-year pilot project establishing two special multi-jurisdictional regional identity theft units. | Vetoed |

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| AB 2246 Wayne | <u>Customer Records Disposal</u> Requires businesses to take all reasonable steps possible to destroy customer records containing personal information prior to their disposal. | Chapter 1039 Statutes of 2000 |
| AB 2462 R. Wright | <u>Identity Theft Remedies</u> Would have allowed an identity theft victim to correct any criminal record resulting from identity theft, and would have required credit reporting agencies to permanently block any inaccurate information resulting from identity theft when a victim provides a valid copy of a Department of Motor Vehicles investigative report. | Failed in Senate Judiciary Committee |
| AB 2797 Papan | <u>Insurance Information Privacy</u> Clarifies that insurers cannot share a customer's personal health information, medical history, or genetic history with financial institutions or other third parties for the purpose of a loan or extending any other form of credit. | Chapter 278 Statutes of 2000 |
| SB 19 Figueroa | <u>Medical Information Confidentiality</u> Enhances rules regarding the disclosure of medical information by providers of health care, as specified. The statute further prohibits a health care service plan from conditioning health care services upon an enrollee waiving medical information confidentiality protections. The statute also prohibits any health care service plan or its contractors from using medical information for any commercial purposes. | Chapter 526 Statutes of 1999 |
| SB 71 Murray | <u>Personal Information Privacy</u> Would have enacted the California Personal Information Privacy Bill of Rights to provide privacy protection to consumers. | Failed in Senate Judiciary Committee |
| SB 129 Peace | <u>Office of Privacy Protection</u> Effective January 1, 2002, establishes an Office of Privacy Protection within the Department of Consumer Affairs (DCA) to serve as a central clearinghouse for privacy-related consumer complaints, education, and information. This statute also requires DCA to help facilitate coordination of local, state, and federal law enforcement agencies in identity theft and privacy-related criminal investigations. Implementation of this program is contingent upon annual Budget Act enactment and funding. | Chapter 984 Statutes of 2000 |
| SB 926 Speier | <u>Personal Information: Supermarket Club Cards</u> Establishes the Supermarket Club Card Disclosure Act of 1999, which prohibits a club card issuer from requesting the driver's license number or social security account number of an individual applying for a supermarket club card. Also, prohibits a club card issuer from selling or sharing a supermarket cardholder's name, address, telephone number, or other personal identification information. Provides a limited exemption to membership card stores. | Chapter 586 Statutes of 1999 |

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| SB 1016 Bowen | <u>Employee Computer Records</u> | Vetoed |
| | Would have prohibited an employer from secretly monitoring the electronic mail or other personal computer records of an employee. Would have required an employer who intends to inspect, review, or retain any personal electronic mail or any other personal computer records of an employee to prepare and distribute a workplace privacy and electronic monitoring policy to all employees. | |
| SB 1337 Speier | <u>Financial Privacy</u> | Failed Senate Finance, Investment & International Trade Committee |
| | Would have prohibited the disclosure of personal information by financial institutions. Specifically, banks, credit unions, trust companies, and industrial loan companies would have been prohibited from disclosing a consumer's personal information without prior written consent (opt-in). | |
| SB 1365 Murray | <u>Identity Theft: Protection of Personal Information</u> | Failed in Senate Public Safety Committee |
| | Would have prohibited disclosure of the personal information of identity theft victims for direct marketing purposes against their wishes. The bill also would have imposed criminal sanctions on individuals who willfully disclose information about an identity theft victim for direct marketing purposes, and created causes of action for injunction and damages against individuals and businesses that violate the bill's provisions. | |
| SB 1372 Leslie | <u>Financial Privacy</u> | Failed in Senate Judiciary Committee |
| | Would have allowed financial institutions to disclose a consumer's personal information unless the consumer affirmatively notified the financial institution not to do so (opt-out). | |
| SB 1419 Haynes | <u>Medical Profiling</u> | Failed in Assembly Judiciary Committee |
| | Would have prohibited any person, health care provider, or state agency from engaging in medical profiling for criminal characteristics without prior written consent. | |
| SB 1599 Bowen | <u>Interactive Television</u> | Withdrawn by Author |
| | Would have regulated the emerging technology of interactive television services (such as Web-TV) by prohibiting video providers from using electronic devices to monitor their customers' activities without written consent. | |
| SB 1724 Dunn | <u>Tax Record Confidentiality</u> | Chapter 1084 Statutes of 2000 |
| | Provides protections for taxpayers by restricting the use and disclosure of personal tax return information by tax preparers, banks, and others who obtain such information, as well as by increasing the sanctions for unauthorized disclosures. | |
| SB 1767 Bowen | <u>Identity Theft: Credit Protection</u> | Failed in Assembly Banking and Finance Committee |
| | Would have required credit reporting agencies to accept consumer identity theft fraud alerts on their existing toll-free telephone lines; prohibited creditors from extending new credit when a fraud alert is active; allowed a consumer to provide a written request to impose a | |

freeze on his/her credit file; required credit grantors to provide the original fraudulent credit application within ten days of an identity theft victim's request; and prohibited the use of social security numbers as account numbers.

SB 1822
Bowen

Employee Computer Records

Vetoed

Would have prohibited all employers, including state agencies, from secretly monitoring their employees' electronic mail (e-mail) or other computer records without prior notification. Would have required employers to compile and distribute workplace privacy and electronic monitoring policies and practices to all employees.

SB 1903
Speier

Medical Information Disclosure

Chapter 1066
Statutes of 2000

Restricts disclosure of medical information to corporations and their subsidiaries and affiliates. Also, requires a valid authorization for release of medical information, and allows patients to correct erroneous medical records.

(12) TELECOMMUNICATIONS

AB 406
Knox

New Area Codes: Telephone Number Assignment

Chapter 809
Statutes of 1999

Requires the Public Utilities Commission to conserve area codes by using existing telephone numbers.

AB 535
Reyes

Telecommunications Services

Chapter 384
Statutes of 1999

Requires local telephone service companies offering pay-per-use custom calling services to provide subscribers with information about the pay-per-use features and blocking options. The statute provides for a one-time bill adjustment for subscribers who incur a charge through inadvertent or unauthorized use of a pay-per-use feature.

AB 991
Papan

Internet Access: Line Sharing

Chapter 714
Statutes of 1999

Enacts the California High Speed Internet Access Act of 1999. Specifically, this statute requires the Public Utilities Commission to monitor and participate in federal proceedings addressing whether to require local telephone companies to permit line sharing by companies offering high-speed data services.

AB 994
R. Wright

Rural Telephone Cooperatives

Chapter 931
Statutes of 2000

Extends to January 1, 2005, existing law requiring the Public Utilities Commission to maintain a program to establish a local rate structure designed to reduce disparities in rates charged by small independent telephone corporations.

SB 1712
Polanco

Universal Telephone Service

Chapter 943
Statutes of 2000

Requires the Public Utilities Commission to examine the feasibility of redefining and expanding universal telephone service to include telecommunications technologies such as voice, video, and data service.

(13) UTILITIES

AB 265
Davis

Energy Rate Cost Cap

Chapter 328
Statutes of 2000

Establishes a cap on the wholesale cost of electricity for San Diego Gas and Electric Company customers. A prior version of the bill would have increased the maximum licensing fee for physicians from \$600 to \$690.

AB 1421
R. Wright

Gas and Electric Service

Chapter 909
Statutes of 1999

Provides that incumbent utilities are the mandatory provider of basic gas services to all “core” (residential and small commercial) customers. This statute prohibits the Public Utilities Commission from unbundling distribution related gas services, and essentially repeals the provisions of SB 1601 (Peace, Chapter 401, Statutes of 1998) which authorized the PUC to investigate unbundled gas services and make a recommendation to the Legislature prior to January 1, 2000.